



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane • PO Box 47775 • Olympia, Washington 98504-7775 • (206) 753-2353

July 27, 1994

Ted Sorenson
Barrish and Sorenson
Hydroelectric Company, Inc.
5203 South 11th East
Idaho Falls, ID 83404

Dear Mr. Sorenson:

This letter is in response to Barrish and Sorenson's August 1, 1993 request for a Water Quality Certification for the Cispus No. 4 Hydroelectric Project (FERC No. 10567), as required by Section 401 of the Federal Clean Water Act. Ecology received your request on August 9, 1993.

Based upon our review of your request and the information contained in the license application for this project, we find that there is not reasonable assurance that Cispus No. 4 Project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Clean Water Act.

Specifically, the project will not conform to Chapter 173-201A of the Washington Administrative Code (WAC), adopted pursuant to Section 303 of the Federal Clean Water Act. WAC 173-201A-070 requires that "Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses shall be allowed."

This WAC classifies the Cispus River as a Class AA surface water; subsection (1)(a) requires that water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses. Existing characteristic and beneficial uses for the Cispus River include recreation (primarily contact recreation, sport fishing, boating, and aesthetic enjoyment) and commerce and navigation, among other things.

We find that the Cispus No. 4 Hydroelectric Project, as proposed, would adversely alter the hydrologic conditions necessary for recreation and navigation on the Cispus River and therefore degrade these beneficial uses. We further find that there is inadequate information to develop conditions to ensure compliance with Chapter 173-201A WAC.

Accordingly, the request for Water Quality Certification is denied.

EXHIBIT 5

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If you feel aggrieved by this determination, you may obtain review thereof by application, within 30 days of receipt of this determination, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. Concurrently, a copy of the application must be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Sincerely,



William H. Backous, P.E.
Southwest Region Supervisor
Water Quality Programs

WHB:BY:dc(1/shore)

cc: Lois Cashell, FERC, Washington D.C.
Dean Shumway, FERC, Washington D.C.
Arthur Martin, FERC, Portland, Oregon
Hal Beecher, WA Dept. of Fish and Wildlife
Jeff Marti, WA Dept. of Ecology
Dave Peeler, WA Dept. of Ecology
Gail Blomstrom, WA Dept. of Ecology